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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

Drewe *et. al.*

Patent No.: 6,861,419 (*from Appl. No.*  
*09/836,548; filed April 18, 2001*)

Issued: March 1, 2005

For: **Substituted 1,4-thiazepine and  
Analogues as Activators of Caspases  
and Inducers of Apoptosis and the  
Use Thereof**

Confirmation No.: 6789

Art Unit: 1624

Examiner: Coleman, Brenda Libby

Atty. Docket: 1735.0450001/RWE/RAS

**Petition for Waiver under 37 C.F.R. § 1.183  
of the Requirement under 37 C.F.R. § 3.81(a)**

*Attn: Mail Stop COC*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The Petitioner requests that 37 CFR 3.81(a) be waived to permit the name and residence of the co-assignee to be identified in the captioned patent after issuance of the captioned patent. The co-assignee's name and residence was not provided in item 3 of the Issue Fee Transmittal (PTOL-85b, rev. 07-04), that was filed on September 22, 2004 in the patent application that resulted in the captioned patent. The failure to include the Assignee's name and residence on the PTOL-85b was inadvertent.

The Petitioner asks that the co-assignee Axys Pharmaceuticals, Inc. be added to the face of the patent. A copy of the Notices of Recordation of Assignment to Axys Pharmaceuticals, Inc. is provided herewith. The Notices of Recordation indicate that the co-assignee name is "Axys Pharmaceuticals, Inc.", the address of the co-assignee is "180 Kimball Way, South San Francisco, California 94080", and that the assignments were

recorded at Reel 011949, Frame 0396 on July 2, 2001 and at Reel 015805, Frame 0375 on March 22, 2005. If the Petition is granted, the Petitioner is requesting that the file be forwarded to Certificates of Correction Branch for issuance of a Certificate of Correction. A Request for Certificate of Correction is submitted herewith, requesting the correction of assignee name and address discussed herein.

This Petition is accompanied by our Credit Card Payment Form (PTO-2038) in payment of the petition fee set forth in 37 CFR 1.17(h). The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: April 11, 2005

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